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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,337	03/10/2004	Sung Kuk Soh	SSK-102-A	4305
21828	7590	08/06/2004	EXAMINER	
CARRIER BLACKMAN AND ASSOCIATES 24101 NOVI ROAD SUITE 100 NOVI, MI 48375			SZUMNY, JONATHON A	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/797,337

Applicant(s)

SOH, SUNG KUK

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 3, 6, 8, 11, 12 and 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7, 9, 10 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

This is the second office action for application number 10/797,337, Height Adjustable Support for Furniture, filed on March 10, 2004.

### ***Election/Restrictions***

Applicant's election with traverse of Species 4 (figures 6a, 6b, 7, 8a, 8b) corresponding to claims 1-6 and 9-16 in the reply filed on July 12, 2004 is acknowledged. The traversal is on the ground(s) that all species are drawn to a single inventive concept, and that the applicant feels the Examiner can make a search and examination of the entire application without serious burden. This is not found persuasive because clearly, the indicated species are not obvious in view of each other. Why would the applicant have specified in the specification that each of the species is a "Second Embodiment," "Third Embodiment," etc.?

The requirement is still deemed proper and is therefore made FINAL.

However, the Examiner disagrees with the claims that the applicant feels are not readable on the elected species. Instead of claims 7 and 8 not being readable on the elected species, the Examiner feels claims 3, 6, 8, 11, 12, 14, 15 and 16 are not readable on the elected species, because these claims recite features not found or disclosed in or with respect to species 4 (the invention of figures 6a, 6b, 7, 8a, 8b).

Therefore, claims 3, 6, 8, 11, 12, 14, 15 and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 12, 2004.

***Priority***

Domestic priority of application number 60/442,997 filed on March 11, 2003 is acknowledged.

***Information Disclosure Statement***

Receipt is acknowledged of Form PTO-1449, Information Disclosure Statement, which has been reviewed by the Examiner.

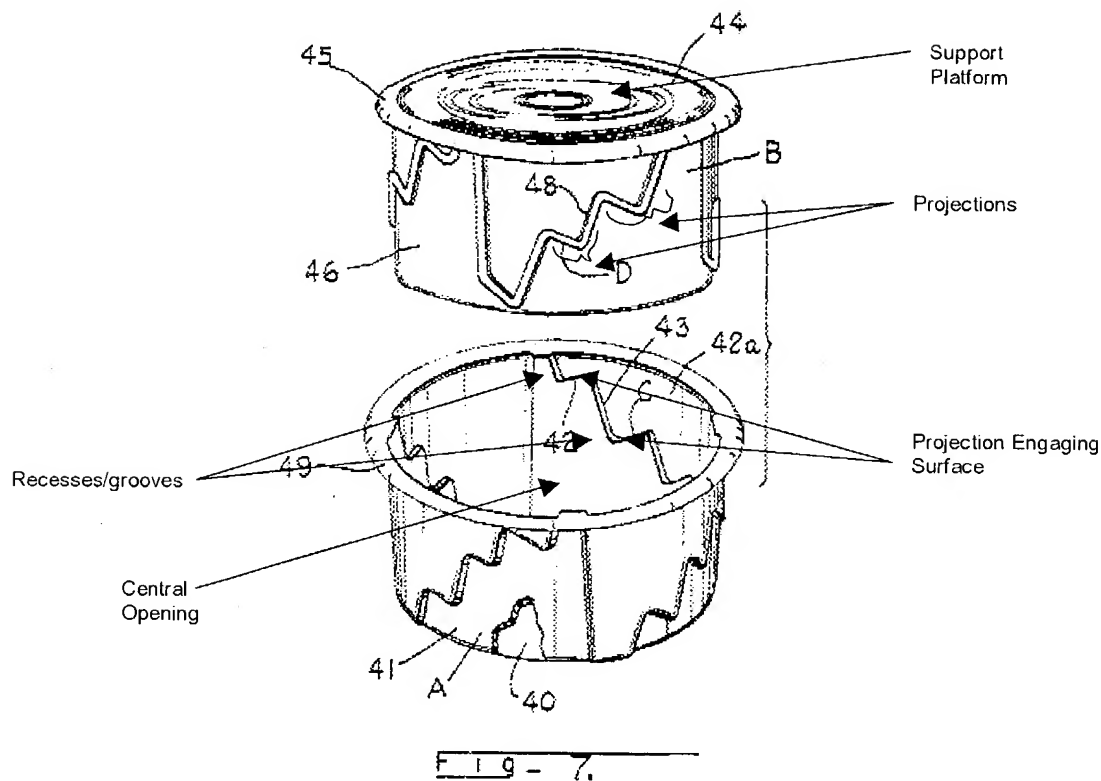
***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 9, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,599,258 to Stone et al.



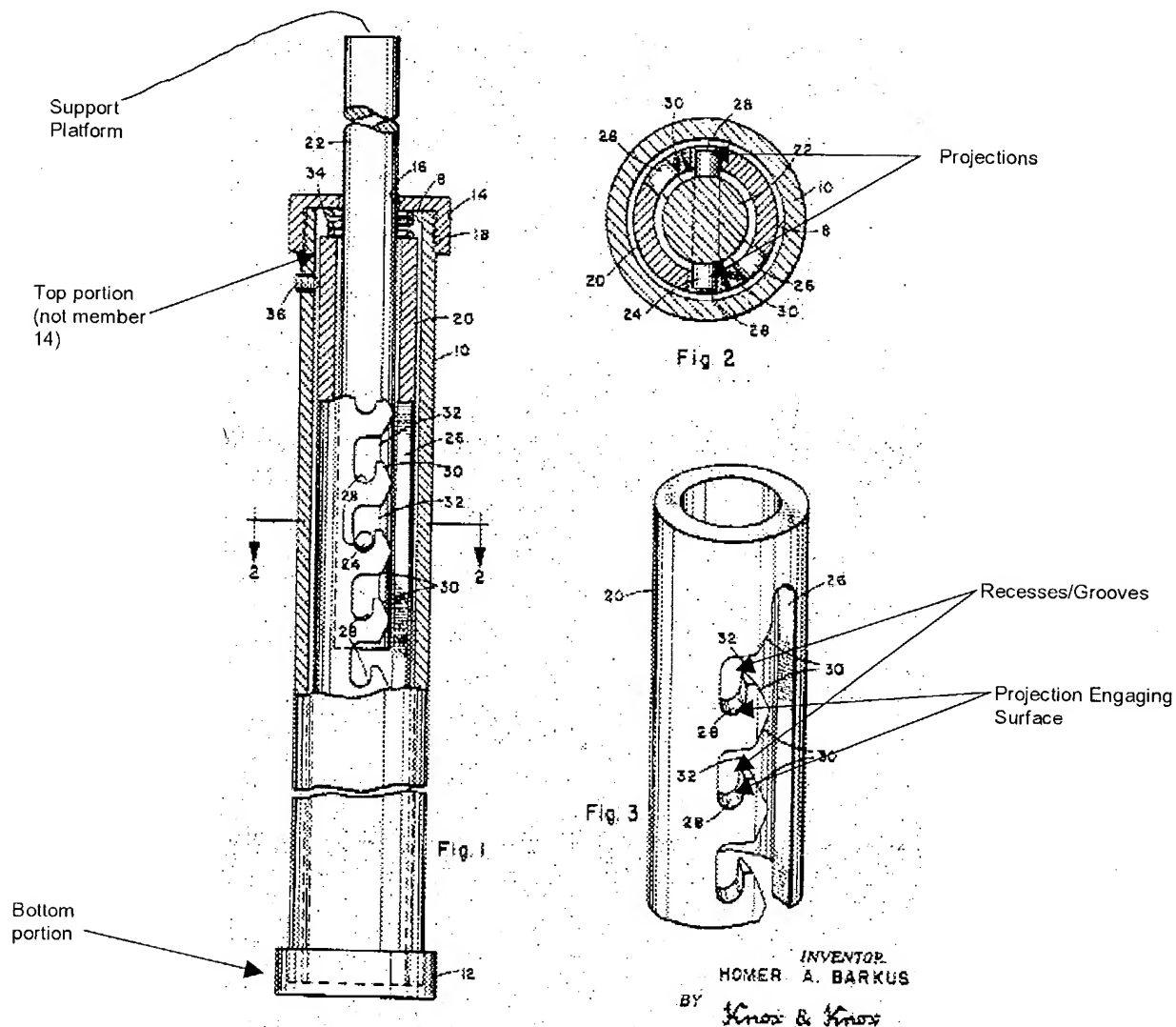
Stone et al. '258 discloses a support apparatus (above) comprising a base (A) and a cradle (B) which operatively engages the base so as to be supported thereby, the cradle having a plurality of integral projections (above) formed thereon and extending outwardly from an outer wall/surface thereof, and the base having a plurality of recesses/grooves (above) formed in an inner wall thereof which are configured to mate with the projections on the cradle when the base and the cradle are operatively engaged, each of said recesses having a projection-engaging surface (above), the recesses being divisible into groups in which each recess in a group has its projection-engaging surfaces located at substantially the same level;

wherein adjacent recesses have projection-engaging surfaces located at different

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elevational levels from one another, wherein the cradle includes a support platform (above) extending horizontally thereacross; and further wherein said base and said cradle are rotatably adjustable relative to one another, to variously engage the projections and recesses and thereby establish multiple different height positions of the cradle support platform;

wherein the base comprises a hollow base body having a central opening (above) formed therein to receive the cradle, wherein the opening defines the inner wall of the base, wherein opposite grooves located substantially 180 degrees from one another have corresponding floor portions disposed at substantially the same height, wherein the cradle has a plurality of vertically spaced apart projections extending outwardly from the cradle body (the projections are in fact spaced apart in a vertical direction), wherein the base is adapted to simultaneously support the plurality of vertically spaced-apart projections thereon, wherein the cradle body is substantially cylindrical.



Claims 1, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,599,258 to Stone et al.

Stone et al. '258 discloses a support apparatus (above) comprising a base (10,12,20) and a cradle (22) which operatively engages the base so as to be supported thereby, the cradle having a plurality of integral projections (above) formed thereon and extending outwardly from an outer wall/surface thereof, and the base having a plurality

of recesses/grooves (above) formed in an inner wall thereof which are configured to mate with the projections on the cradle when the base and the cradle are operatively engaged, each of said recesses having a projection-engaging surface (above), the recesses being divisible into groups in which each recess in a group has its projection-engaging surfaces located at substantially the same level (see figure 2, grooves/recesses inherently on opposite side as well);

wherein adjacent recesses have projection-engaging surfaces located at different elevational levels from one another, wherein the cradle includes a support platform (above) extending horizontally thereacross; and further wherein said base and said cradle are rotatably adjustable relative to one another, to variously engage the projections and recesses and thereby establish multiple different height positions of the cradle support platform; wherein the bottom portion of the base is wider than the top portion thereof (see above), wherein the grooves of the base are substantially horizontally oriented (the bottom of the projection engaging surface of each of the grooves is substantially horizontally oriented; also, alternatively, the top groove of each of the respective sets of grooves on opposite sides are substantially horizontally oriented across from each other).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sakano '832, Hardy '831, Dawson, Jr. '358, King et al. '514,



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Rolfshus '996, Larkin '268, Lee '341, Thornell '611, Rolls et al. '207, Barnes '174 and Barkus '870 disclose various height adjustable support apparatuses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to be 'Jon Szumny', written over a horizontal line.

Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
August 4, 2004